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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLENE SCOTT,

Defendant.

CASE NO: 2:15-cr-174-KJD-BNW
CASE NO: 2:15-cr-193-KJD-PAL

STIPULATION TO CONTINUE SELF-SURRENDER DATE.

The United States of America, by and through JASON M. FRIERSON, United States Attorney, and KIMBERLY M. FRAYN, Assistant United States Attorney, and defendant CHARLENE SCOTT, by and through her counsel Lucas Gaffney, Esq., STIPULATE AND AGREE to request this Honorable Court issue an order extending CHARLENE SCOTT'S self-surrender date to the Bureau of Prisons, which is currently set for September 30, 2022.

DATED this 15th Day of September 2022.

Respectfully submitted,

/s/ Lucas Gaffney
LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
1050 Indigo Drive, Suite 120
Las Vegas, NV 89145
Attorney for Charlene Scott

1 The instant the Stipulation is entered into for the following reasons:

- 2 1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty
3 to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6)
4 counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220].
On September 5, 2018, this Court sentenced Charlene to serve forty-six (46)
5 months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
- 6 2. Following this Court’s imposition of sentence, the parties, either jointly or
individually, requested to continue Charlene’s self-surrender date due to
7 healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”).
Presently, Charlene’s self-surrender date is set for September 30, 2022. [See ECF
8 No. 411 (case number 2:15-cr-174); ECF No. 90 (case number 2:15-193)]
- 9 3. Charlene suffers from chronic back pain due to a degenerative condition of her
spine. At the beginning of 2022 the pain in Charlene’s back became progressively
10 worse. After conducting an MRI, Charlene’s physician scheduled her for major
back surgery (Anterior Posterior Lumbar Interbody Fusion). Through no fault of
her own, the surgery was delayed until June 26, 2022.
- 11 4. During a prescreening for the June 26, 2022, surgery Charlene’s physician found
her blood pressure was extremely high. As such, Charlene’s physician would not
12 clear her for surgery. Charlene’s physician prescribed medication and a
regimented diet to reduce her blood pressure. Notably, in the last two months
13 Charlene visited the emergency room twice due to her high blood pressure.
- 14 5. Charlene recently took a PET Scan to determine the status of her blood pressure.
She is scheduled to visit her physician on September 15, 2022, to obtain the results.
15 It is expected Charlene’s blood pressure will be reduced and she will be cleared
for surgery through the Nevada Spine Clinic. However, the surgery will likely be
16 scheduled for some time in October, which creates a conflict with the current self-
surrender date.
- 17 6. The parties have been in contact with Charlene’s U.S. Pretrial Services Officer
Erin Oliver who has verified the information above regarding Charlene’s surgery
18 and that Charlene remains in compliance with all conditions of her release. Ms.
Oliver also indicated the circumstances surrounding the need to reschedule
19 Charlene’s surgery occurred through no fault of her own.
- 20 7. The parties respectfully request this Court issue an Order continuing Charlene’s
self-surrender date for ninety (90) days to account for the prospective scheduling
21 of her surgery and the time it will take for her recovery.

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8. Charlene is currently out of custody and does not object to the continuance.

9. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not object to a ninety (90) day continuance of Charlene's self-surrender date.¹

10. This continuance is not sought for the purposes of delay.

DATED this 15th Day of September 2022.

Respectfully submitted,

/s/ Lucas Gaffney

LUCAS J. GAFFNEY, ESQ.
1050 Indigo Drive, Suite 120
Las Vegas, NV 89145
Counsel for Charlene Scott

/s/ Kimberly Frayn

KIMBERLY M. FRAYN
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, NV 89101
Counsel for United States

¹ AUSA Frayn indicated this is the last continuance the government will agree to.

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DISTRICT OF NEVADA

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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
2. Following this Court’s imposition of sentence, the parties, either jointly or individually, requested to continue Charlene’s self-surrender date due to healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”). Presently, Charlene’s self-surrender date is set for September 30, 2022. [See ECF No. 411 (case number 2:15-cr-174); ECF No. 90 (case number 2:15-193)]
3. Charlene suffers from chronic back pain due to a degenerative condition of her spine. At the beginning of 2022 the pain in Charlene’s back became progressively worse. After conducting an MRI, Charlene’s physician scheduled her for major back surgery (Anterior Posterior Lumbar Interbody Fusion). Through no fault of her own, the surgery was delayed until June 26, 2022.
4. During a prescreening for the June 26, 2022, surgery Charlene’s physician found her blood pressure was extremely high. As such, Charlene’s physician would not clear her for surgery. Charlene’s physician prescribed medication and a regimented diet to reduce her blood pressure. Notably, in the last two months Charlene visited the emergency room twice due to her high blood pressure.
5. Charlene recently took a PET Scan to determine the status of her blood pressure. She is scheduled to visit her physician on September 15, 2022, to obtain the results. It is expected Charlene’s blood pressure will be reduced and she will be cleared

for surgery through the Nevada Spine Clinic. However, the surgery will likely be scheduled for some time in October, which creates a conflict with the current self-surrender date.

6. The parties have been in contact with Charlene's U.S. Pretrial Services Officer Erin Oliver who has verified the information above regarding Charlene's surgery and that Charlene remains in compliance with all conditions of her release. Ms. Oliver also indicated the circumstances surrounding the need to reschedule Charlene's surgery occurred through no fault of her own.

7. The parties respectfully request this Court issue an Order continuing Charlene's self-surrender date for ninety (90) days to account for the prospective scheduling of her surgery and the time it will take for her recovery.

8. Charlene is currently out of custody and does not object to the continuance.

9. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not object to a ninety (90) day continuance of Charlene's self-surrender date.²

10. This continuance is not sought for the purposes of delay.

CONCLUSIONS OF LAW

Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to prison if it is determined by "clear and convincing evidence that she is not likely to flee or pose a danger to the safety of any other person or the community." Accordingly, 18 U.S.C. §3143(a) gives this Court the inherent authority to continue Charlene's self-surrender date as long as she is not a danger to the community or a flight risk. This Court has not found a violation of Charlene's conditions of pretrial release since setting the conditions in July of 2015, and as the Court previously determined in allowing Charlene to remain at liberty pending her self-surrender to the Bureau of Prisons, she is neither a danger to the community nor a flight risk.

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² AUSA Frayn indicated this is the last continuance the government will agree to.

ORDER

IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is GRANTED.

IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the designated Bureau of Prisons' facility on the 6th Day of January, 2023.

DATED AND DONE this 20th day of September, 2022.



UNITED STATES DISTRICT COURT JUDGE
THE HONORABLE KENT J. DAWSON